

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

MYRTIS PAULO HART,

Plaintiff,

v.

No. CV 21-08 KG/CG

UNITED STATES OF AMERICA, et al.,

Defendants.

**ORDER GRANTING *IN FORMA PAUPERIS* MOTION**

This matter is before the Court on Plaintiff's *Motion to Proceed In Forma Pauperis* (the "Motion"), (Doc. 2), filed January 5, 2021. Plaintiff's financial information reflects that he is unable to prepay the \$400 filing fee for his prisoner civil rights complaint. The Court will therefore **GRANT** the Motion, which reduces the fee to \$350, and allow Plaintiff to pay this amount in installments. See 28 U.S.C. § 1915(b). Plaintiff must make an initial partial payment of "20 percent of the greater of—(A) the average monthly deposits to the prisoner's account; or (B) the average monthly balance in the prisoner's account for the 6-month period immediately preceding the filing of the complaint..." *Id.*

Plaintiff's financial statement reflects that his average deposits exceed the balance, and that he receives an average of \$134 per month. (Doc. 4 at 1). The Court will assess an initial payment of \$26.80 (which is 20% of the average deposit of \$134) pursuant to § 1915(b)(1)(A). After payment of the initial partial fee, Plaintiff is "required to make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account." 28 U.S.C. § 1915(b)(2). The Court will generally not review the merits of Plaintiff's civil rights complaint unless the initial partial payment is paid or

excused. If Plaintiff fails to timely make the initial partial payment, his complaint will be dismissed without further notice.

**IT IS ORDERED** that Plaintiff's *Motion to Proceed In Forma Pauperis*, (Doc. 2), is **GRANTED**;

**IT IS FURTHER ORDERED** that Plaintiff shall send to the Clerk an initial partial payment of **\$26.80** by no later than **March 5, 2021**;

**IT IS FURTHER ORDERED** that the Clerk is directed to provide Plaintiff with two copies of this order, and that Plaintiff make the necessary arrangements to attach one copy of this order to the check in the amount of the initial partial payment;

**IT IS FINALLY ORDERED** that, after payment of the initial partial fee, Plaintiff shall make monthly payments of twenty percent (20%) of the preceding month's income credited to his account or show cause why the designated payments should be excused.

**IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', written over a horizontal line.

THE HONORABLE CARMEN E. GARZA  
CHIEF UNITED STATES MAGISTRATE JUDGE